

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
JOHN TROTTER,)	
)	
Petitioner,)	
)	C.A. No. 05-40001-MLW
v.)	
)	
DAVID WINN,)	
)	
Respondent.)	
_____)	

**RESPONDENT'S MOTION TO EXTEND TIME
TO RESPOND TO PETITIONER'S WRIT OF HABEAS CORPUS**

Now comes the above-captioned Respondent,¹ and hereby move this Court for an extension of time **up to and including October 17, 2005**, to answer or otherwise respond to the Petition. As reasons therefor, the undersigned counsel for Respondent asserts that he has just received a copy of the Petition and that such an extension will allow the Assistant U.S. Attorney the additional time to obtain relevant facts and background information of this matter from the appropriate agency (Bureau of Prisons).

Respondent further states that the Petitioner is scheduled to be released from the custody of the Bureau of Prisons ("BOP") on October 14, 2005, for serving his sentence with good terms

¹ This motion is not intended to be a responsive pleading. By the filing of this Motion, Respondent is not waiving any of the procedural, affirmative, or other waivable and non-waivable defenses available to him in the normal course of filing a responsive pleading. Respondent intends to raise those defenses when he answers or otherwise responds to the Petition.

credits. Consequently, the issues raised in the Petition will be moot upon his release. Indeed, the Petitioner challenges his placement in a sex offender program implemented by the BOP as a result of his conviction of a sex offense committed in 1995. See Petition, p. 3a. Petitioner has been in this program since March, 2004, nearly eighteen (18) months. The program is not punitive in nature (nor does participation or lack thereof negatively effect the inmate) but merely assists inmates who have committed a sex offense and who have been classified with a specific public safety factor because of their sex offense conviction.

Upon his release in October, 2005, not only will the BOP no longer have custody over Petitioner for purposes of habeas relief, but he will no longer be a participant in the program from which he seeks a transfer. See Petition, p. 4.

WHEREFORE, Respondent respectfully requests that this Court allow his motion for an extension of time **up to and including**

October 17, 2005, to answer or otherwise respond to the Petition.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Michael P. Sady
Michael P. Sady
Assistant U.S. Attorney
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Dated: 9/6/05

CERTIFICATE OF SERVICE

I certify that on September 6, 2005, I caused a copy of the foregoing Motion to be served by first class mail, postage pre-paid to Petitioner John Trotter, 04234-015, FMC Devens, P.O. Box 879, Ayer, MA 01432.

/s/ Michael P. Sady
Michael P. Sady
Assistant U.S. Attorney

CERTIFICATION UNDER L.R. 7.1

Because Petitioner is a prisoner currently incarcerated in a correctional facility, counsel for the United States respectfully requests leave to file this Motion without a 7.1 conference.

/s/ Michael P. Sady
Michael P. Sady
Assistant U.S. Attorney